IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

WRIT PETITION LD.NO.2943 OF 2004

M/s. K. R. Sanghvi Medical & General Stores. ... Petitioner.

Vs.

Addl.Commissioner, Bombay, Food & Drugs Administration & Ors. ...Respondents.

....

Mr. O.P. Parihar i/b. M/s. P. Kumar & Co. for the Petitioner.
Mr.Shekhar Ingavale, AGP for the Respondents.

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CORAM : DALVEER BHANDARI, C.J. &
DR.D.Y.CHANDRACHUD, J.

November 5, 2004.

P.C.:

The Petitioner is a retailer in medicines and carries on the business of a chemist. Upon a visit by Drugs Inspectors attached to the Food & Drugs Administration at the premises of the Petitioner, the Second Respondent issued a notice to the Petitioner on 7th May 2003 alleging that the Petitioner had committed a violation of the provisions of the Drugs and Cosmetics Act, 1940, and seeking an explanation as to why the licence granted to the Petitioner should not be cancelled. The allegations against the Petitioner, inter alia, were : (i) non-display of the

original licences in a manner that could be seen by the public; (ii) absence of a Registered Pharmacist at the time of the inspection; (iii) production of licences which were valid only upto 31st December 2001; (iv) carrying on of the business of selling medicines in the absence of a Registered Pharmacist; (v) sale of Scheduled Drugs without necessary entries; (vi) absence of particulars of purchase and sale of certain drugs in respect of which stocks were found; (vii) absence of cleanliness and hygiene in the premises; (viii) storage of medicines at ordinary room temperature though the medicines were required to be stored below 25 degrees centigrade; (ix) failure to segregate and label the place where “Expired Drugs not for sale” are to be kept; and (x) maintenance of a stock of uncertified drugs.

2. The Petitioner submitted a reply to the notice denying the allegations and an order was, thereafter, passed on 24th June 2003 suspending the licence for the period between 28th July 2003 and 11th August 2003. The Petitioner filed an appeal to the State Government, during the pendency whereof, the order of suspension came to be stayed. On 30th September 2004, the Appellate Authority disposed of the appeal imposing upon the

Petitioner, a penalty of suspension for a period of 15 days from 1st November 2004 to 15th November 2004.

3. We have heard Learned Counsel appearing for the Petitioner and the AGP. The breach of several provisions of the Drugs and Cosmetics Rules, 1940 that has been found in the present case, is in our view, serious enough to warrant the order of suspension of the licence for the period specified in the impugned order. There has been due compliance with the principles of natural justice. Besides, the Learned AGP has placed on the record, the reply filed by the Petitioner dated 23rd May 2003 to the show cause notice. We find merit in the submission that the Petitioner had in several places therein admitted a breach of the relevant rules. We find no reason to interfere. The Writ Petition is accordingly rejected.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.